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September 22, 2006

BY CM ECF AND HAND DELIVERY

The Honorable Joseph J. Farnan, Jr.
United States District Court for the District of Delaware
844 King Street, Lock Box 19
Wilmington, DE 19801

Re: NICE Systems, Inc. and NICE Systems, Ltd. v. Witness Systems, Inc.
C.A. No. 06-311-JJF

Dear Judge Farnan:

I write on behalf of my clients, Nice Systems, Inc. and Nice Systems, Ltd., and defendant, Witness Systems, Inc., represented by William Marsden, Esquire, to submit the attached Proposed Rule 16 Scheduling Order in advance of the scheduling conference now scheduled for Thursday, October 12 at 1:00 p.m. in courtroom 4B.

The attached proposed order reflects the dates agreed upon by the parties to the extent we were able to reach agreement. Where the parties disagree on dates, the attached proposed order sets forth the dates requested by each.

In addition, the parties have agreed to the standard procedure for the exchange of disputed claim construction provisions and development of a joint claim construction chart in advance of claim construction briefing. With Your Honor's permission, the parties propose to include the procedure in paragraph 7 of the order.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

The Honorable Joseph J. Farnan, Jr.

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Obviously counsel are available to answer any questions.

Respectfully submitted,

Melanie K. Sharp (No. 2501)

MKS:mg

cc: William J. Marsden, Jr., Esquire (by hand)